

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

_____)	
In re:)	
)	
CK LIQUIDATION CORPORATION,)	
)	
)	
Debtor)	Civ. App. No. 05-40062- NMG
_____)	
)	
PHOEBE MORSE)	
UNITED STATES TRUSTEE,)	
REGION ONE,)	
)	
Appellant)	
)	
v.)	
)	
ROPES & GRAY, LLC)	Bk. Case No. 03-44906-HJB
)	
Appellee)	
)	
_____)	

**UNITED STATES TRUSTEE'S *UNOPPOSED*
MOTION TO EXTEND DEADLINE FOR
FILING APPELLANT'S BRIEF
(WITH CERTIFICATES OF CONFERENCE AND SERVICE)**

Pursuant to 28 U.S.C. § 158(a), Fed. R. Bankr. P. 8009(1), Appellant Phoebe Morse, the United States Trustee for Region One, moves the Court, with the consent of the Appellee, Ropes & Gray, LLC, to extend the deadline for filing her Appellant's brief for 36 days, until **Friday, June 3, 2005**, and to extend proportionately the deadline for filing the Appellee's brief, **until July 25, 2005**. In support, the United States Trustee states:

1. Per its scheduling order dated April 13, 2005, the Court has established April 28, 2005 as the deadline by which United States Trustee must file her opening brief in this bankruptcy appeal.

2. The issue presented on appeal is whether it was error for the law firm of Ropes & Gray, LLC to receive compensation for work that it performed after the debtor's chapter 11 case converted to chapter 7.

3. The lower court ruled in *In re CK Liquidation Corp.*, 321 B.R. 10 (Bankr. D. Mass. 2005) that chapter 11 counsel is entitled to payment of certain post-conversion fees and expenses from its retainer. The United States Trustee believes that the decision raises important issues of first impression in the First Circuit related to the United States Supreme Court's recent ruling in *Lamie v. United States Trustee*, 540 U.S. 526 (2004).

4. Given the importance of this appeal, the Justice Department requests additional time - through June 3, 2005 - so that Department attorneys in Boston, Worcester and Washington may carefully evaluate the lower court's decision and present this Court with a brief that comprehensively sets out the Department's numerous and substantial concerns with the decision entered below. An extension also is appropriate because the bankruptcy court's decision relies upon state law theories that none of the parties pressed or briefed before that court.

5. No party in interest will be harmed by the requested extension.

6. The appellee, Ropes & Gray, LLC does not object to the relief requested herein.

WHEREFORE, the United States Trustee prays that the Court enter a orders: i) extending the deadline for filing her appellant's brief **until Friday, June 3, 2005**; ii)

proportionately extending the deadline for Ropes & Gray, LLC to file its responding brief, **until July 25, 2005**; iii) establishing **August 4, 2005** as the deadline by which the United States Trustee must file her reply brief; and iv) granting her such other and further legal and equitable relief to which she may be entitled.

Respectfully submitted,

PHOEBE MORSE

United States Trustee

By: /s/ Eric K. Bradford
Eric K. Bradford BBO#560231
United States Department of Justice
Thomas P. O'Neill Jr. Federal Bldg.
10 Causeway Street, Room 1184
Boston, MA 02222
(617) 788-0415

Dated: April 14, 2005.

CERTIFICATE OF CONFERENCE

I certify that on April 13 and 14, 2005, I spoke with counsel for Appellee Ropes & Gray, LLC, James M. Wilton, Esq., regarding the relief requested herein. Mr. Wilton stated that he did not object.

PHOEBE MORSE

United States Trustee

By: /s/ Eric K. Bradford
Eric K. Bradford BBO#560231
United States Department of Justice
Thomas P. O'Neill Jr. Federal Bldg.
10 Causeway Street, Room 1184
Boston, MA 02222
(617) 788-0415

/

CERTIFICATE OF SERVICE

I certify that on April 14, 2005, true and correct copies of the UNITED STATES TRUSTEE'S MOTION TO EXTEND DEADLINE FOR FILING APPELLANT'S BRIEF were served by United States mail, First Class postage pre-paid, or by email upon the individuals listed below and by ECF upon all persons having filed notices of appearance in the Court's ECF database.

PHOEBE MORSE

United States Trustee

By: /s/ Eric K. Bradford
Eric K. Bradford BBO#560231
United States Department of Justice
Thomas P. O'Neill Jr. Federal Bldg.
10 Causeway Street, Room 1184
Boston, MA 02222
(617) 788-0415

Dated: April 14, 2005.

PARTIES TO APPEAL AND THEIR RESPECTIVE COUNSEL

CK Liquidation Corporation
33 Boston Post Road West
Suite 120
Marlboro, MA 01752
Tax id: 04-3079696
(Debtor)
dba
Baystate Technologies, Inc.
fka
Cadkey Corporation

/

James M. Wilton, Esq.
Stephen Moeller-Sally, Esq.
Erin T. Fontana, Esq.
Ropes and Gray LLP
One International Place
Boston, MA 02110-2624
617-951-7000
Fax : 617-951-7050
Email: jwilton@ropesgray.com
(Counsel to CK Liquidation Corp.)

John A. Burdick, Esq.
340 Main Street
Worcester, MA 01608
508-752-4633
(Chapter 7 Trustee)

Charles Azano, Esq.
Richard E. Mikels, Esq.
Mintz, Levin, Cohn, Ferris, Glovsky
and Popeo, P.C.
1 Financial Center
Boston, MA 02111
617-542-6000
Email: cazano@mintz.com
(Counsel to Chapter 7 Trustee)

John F. Ward, Esq.
Bromberg & Sunstein, LLP
125 Summer Street
Boston, MA 02110
(Chair, Official Committee Of Unsecured Creditors)

Michael J. Goldberg, Esq.
Cohn Whitesell & Goldberg
101 Arch Street
Boston, MA 02110
(617) 646-2000
Email: goldberg@cwgl1.com
(Counsel to the Official Committee of Unsecured Creditors)